

REMARKS

Claims 1-16, 22-39, and 45-47 are pending in the present application. Claims 17-21 and 40-44 were previously withdrawn as drawn to nonelected species. Claims 48-51 were previously canceled as drawn to a nonelected invention. By virtue of this response, Claims 4, 22 and 45-47 have been amended. Support for the amendments is found in the specification and claims as filed. Reconsideration and allowance of the pending claims, as amended, in light of the remarks presented herein are respectfully requested.

Claim Objections

Claim 4 has been objected to because of formalities. The term "in" has been inserted before the term "at least". In view of the foregoing amendment, Applicants respectfully request withdrawal of the objection.

Claim Rejections under 35 U.S.C. § 102

Claims 1-7, 13-16, 22-32, 37-39, and 45-47

Claims 1-7, 13-16, 22-32, 37-39, and 45-47 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 5,777,060 ("Van Antwerp"). Applicants respectfully traverse this anticipatory rejection. "A rejection for anticipation under section 102 requires that each and every limitation of the claimed invention be disclosed in a single prior art reference." *See, e.g., In re Paulsen*, 31 U.S.P.Q.2d 1671 (Fed. Cir. 1994). The express, implicit, and inherent disclosures of a prior art reference may be relied upon in the rejection of claims under 35 U.S.C. 102 or 103. *See* MPEP § 2112.

According to the Examiner, "while Van Antwerp may not particularly detail these features [*i.e.*, interconnected cavities], the disclosed silicone of the reference is considered to inherently possess these properties/features of the claimed silicone, since products of identical chemical composition cannot have mutually exclusive properties." Office Action dated February 4, 2009, at page 3.

Applicants respectfully disagree. The Office bears the initial burden to develop reasons supporting a reliance on inherency. *See* MPEP § 2112 (IV). To satisfy this burden, the Office must identify some basis in fact or articulate some reasoning at least tending to show that the

allegedly inherent subject matter necessarily (*i.e.*, inevitably) flows from the cited art. Indeed, the MPEP expressly instructs that “In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.” *Id.* (emphasis in original).

Claims 1, 14, 22, and 26, from which Claims 2-7, 13, 15-16, 23-25, 27-32, and 37-39 directly or indirectly depend, recite, *inter alia*, a first domain having a plurality of interconnected cavities formed therein or a cavernous domain. A review of page 3 of the Office Action reveals the absence of a reasonable rationale or evidence at least tending to show that interconnected cavities inevitably flows from the disclosures of Van Antwerp. Contrary to the Examiner's assertion, Applicants submit that the claimed membrane and the Van Antwerp membrane do not share an identical chemical composition. Indeed, the Examiner has not explained nor provided evidence supporting his assertion. Accordingly, the Examiner's mere conclusory statement that interconnected cavities are inherently present in the Van Antwerp membrane cannot support the Examiner's reliance on inherency. Consequently, the Examiner's reliance on inherency with respect to Claims 1-7, 13-16, 22-32, and 37-39 is unsupported and thus improper. For at least this reason, Applicants submit that this anticipatory rejection of Claims 1-7, 13-16, 22-32, and 37-39 cannot stand and thus should be withdrawn.

Claims 45-47 have been amended to recite, *inter alia*, a membrane, domain, or portion that is configured to allow cells and cell processes to pass through. Support for this aspect of the claimed inventions can be found *e.g.*, in paragraph [0067] of the specification as originally filed.

Van Antwerp fails to teach a membrane, domain, or portion that is configured to allow cells and cell processes to pass through. For at least this reason, Applicants submit that this anticipatory rejection of Claims 45-47 cannot stand and thus should be withdrawn.

Claims 1-8, 12, 14-16, 22-33, 37-39, and 45-47

Claims 1-8, 12, 14-16, 22-33, 37-39, and 45-47 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 6,721,587 (“Gough”). The criteria for establishing anticipation are set forth above. Applicants respectfully traverse this anticipatory rejection.

According to the Examiner, “while Gough may not particularly detail these features [*i.e.*, interconnected cavities], the disclosed silicone of the reference is considered to inherently

possess these properties/features of the claimed silicone, since products of identical chemical composition cannot have mutually exclusive properties.” Office Action dated February 4, 2009, at page 4.

Applicants respectfully disagree. Claims 1, 14, 22, and 26, from which Claims 2-8, 12, 15-16, 23-25, 27-33, and 37-39 directly or indirectly depend, recite, *inter alia*, a first domain having a plurality of interconnected cavities formed therein or a cavernous domain. A review of page 4 of the Office Action reveals the absence of a reasonable rationale or evidence at least tending to show that interconnected cavities inevitably flows from the disclosures of Gough. In fact, as described in Gough, column 9, lines 15-16, Gough teaches forming membranes “by filling the cavities in perforated silicone rubber sheets with a glucose oxidase/albumin mixture and crosslinking the mixture with glutaraldehyde...” Accordingly, because the cavities described in Gough are filled with a glucose oxidase/albumin mixture, the Gough membranes are not formed with cavities, let alone cavities that are interconnected. Moreover, contrary to the Examiner’s assertion, Applicants submit that the claimed membrane and the Gough membrane do not share an identical chemical composition. Indeed, the Examiner has not explained nor provided evidence supporting his assertion. Accordingly, the Examiner’s mere conclusory statement that interconnected cavities are inherently present in the Gough membrane cannot support the Examiner’s reliance on inherency. Consequently, the Examiner’s reliance on inherency with respect to Claims 1-7, 13-16, 22-32, and 37-39 is unsupported and thus improper. For at least this reason, Applicants submit that this anticipatory rejection of Claims 1-7, 13-16, 22-32, and 37-39 cannot stand and thus should be withdrawn.

As noted above, Claims 45-47 have been amended to recite, *inter alia*, a membrane, domain, or portion that is configured to allow cells and cell processes to pass through. Gough fails to teach a membrane, domain, or portion that is configured to allow cells and cell processes to pass through. For at least this reason, Applicants submit that this anticipatory rejection of Claims 45-47 cannot stand and thus should be withdrawn.

Claim Rejections under 35 U.S.C. § 103

Claims 9-11 and 34-36

Claims 9-11 and 34-36 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Gough. Applicants respectfully traverse this obviousness rejection. It is well settled that the Examiner "bears the initial burden of presenting a *prima facie* case of unpatentability..." *In re Sullivan*, 498 F.3d 1345 (Fed. Cir. 2007). Until the Examiner has established a *prima facie* case of obviousness, Applicants need not present arguments or evidence of non-obviousness. To establish a *prima facie* case of obviousness, the Examiner must establish at least three elements. First, the prior art reference (or references when combined) must teach or suggest all of the claim limitations: "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 165 U.S.P.Q. 494, 496 (CCPA 1970); *see also M.P.E.P. § 2143.03*. Second, there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091 (Fed. Cir. 1986); *see also M.P.E.P. § 2143.02*. And finally, the Examiner must articulate some reason to modify or combine the cited references that renders the claim obvious. Merely establishing that the claimed elements can be found in the prior art is not sufficient to establish a *prima facie* case of obviousness:

As is clear from cases such as *Adams*, a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (2007) (emphasis added).

Instead, the Court has made clear that the Examiner must establish a reason one of skill in the art would have combined the elements of the prior art, and that such reason must be more than a conclusory statement that it would have been obvious.

Often, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. To facilitate review, this analysis should be made explicit. *See In re Kahn*, 441 F.3d 977, 988 (C.A.Fed.2006) ("[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness"). *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1740-1741 (2007) (emphasis added).

Claims 9-11 and 34-36 depend from either independent Claim 1 or independent Claim 26, directly or indirectly. As discussed above in respect to Claim 1, it has not been established

that interconnected cavities are inherently present in the Gough membrane. As discussed above in respect to Claim 26, Gough also fails to teach or fairly suggest a membrane, domain, or portion that is configured to allow cells and cell processes to pass through. Accordingly, Applicants respectfully request withdrawal of the rejection.

Nonstatutory Obviousness-Type Double Patenting

Claims 1-5, 14-16, 22-30, and 45-47

Claims 1, 2, 14, 26, 27, and 45-47 stand rejected on the grounds of nonstatutory obviousness-type double patenting and are allegedly unpatentable over Claim 17 of U.S. Patent No. 7,192,450. Claims 1, 2, 14, 26, 27, and 45-47 stand rejected on the grounds of nonstatutory obviousness-type double patenting and are allegedly unpatentable over Claims 1-6 and 15-17 of U.S. Patent No. 7,379,765. Claims 1, 2, 14-16, 22-27, and 45-47 stand provisionally rejected on the grounds of nonstatutory obviousness-type double patenting and are allegedly unpatentable over Claims 1, 13, 34, and 46 of copending Application No. 11/404,417. Claims 1-5 and 26-30 stand provisionally rejected on the grounds of nonstatutory obviousness-type double patenting and are allegedly unpatentable over Claims 34, 39, and 45 of copending Application No. 11/763,215.

Applicants are aware of the aforementioned rejections for nonstatutory obviousness-type double patenting and will address these rejections once the Examiner indicates that there are claims that are otherwise allowable in the pending application, if not for the nonstatutory obviousness-type double patenting rejections.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution.

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Filing Date: January 29, 2004

Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Co-Pending Applications of Assignee

Applicants wish to draw the Examiner's attention to the following applications and granted patents of the present application's assignee.

| Docket No. | Serial No. | Title | Filed |
|-------------------|-------------------|--|--------------|
| DEXCOM.9CPDVC | 07/122395 | BIOLOGICAL FLUID MEASURING DEVICE | 11/19/1987 |
| DEXCOM.9CPDCP | 07/216683 | BIOLOGICAL FLUID MEASURING DEVICE | 7/7/1988 |
| DEXCOM.008A | 08/811473 | DEVICE AND METHOD FOR DETERMINING ANALYTE LEVELS | 3/4/1997 |
| DEXCOM.008DV1 | 09/447227 | DEVICE AND METHOD FOR DETERMINING ANALYTE LEVELS | 11/22/1999 |
| DEXCOM.8DVC1 | 09/489588 | DEVICE AND METHOD FOR DETERMINING ANALYTE LEVELS | 1/21/2000 |
| DEXCOM.8DVCP1 | 09/636369 | SYSTEMS AND METHODS FOR REMOTE MONITORING AND MODULATION OF MEDICAL DEVICES | 8/11/2000 |
| DEXCOM.006A | 09/916386 | MEMBRANE FOR USE WITH IMPLANTABLE DEVICES | 7/27/2001 |
| DEXCOM.007A | 09/916711 | SENSOR HEAD FOR USE WITH IMPLANTABLE DEVICE | 7/27/2001 |
| DEXCOM.8DVCP2 | 09/916858 | DEVICE AND METHOD FOR DETERMINING ANALYTE LEVELS | 7/27/2001 |
| DEXCOM.010A | 10/153356 | TECHNIQUES TO IMPROVE POLYURETHANE MEMBRANES FOR IMPLANTABLE GLUCOSE SENSORS | 5/22/2002 |
| DEXCOM.024A | 10/632537 | SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA | 8/1/2003 |
| DEXCOM.026A | 10/633329 | SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA | 8/1/2003 |
| DEXCOM.016A | 10/633367 | SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA | 8/1/2003 |

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| DEXCOM.025A | 10/633404 | SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA | 8/1/2003 |
| DEXCOM.011A | 10/646333 | OPTIMIZED SENSOR GEOMETRY FOR AN IMPLANTABLE GLUCOSE SENSOR | 8/22/2003 |
| DEXCOM.012A | 10/647065 | POROUS MEMBRANES FOR USE WITH IMPLANTABLE DEVICES | 8/22/2003 |
| DEXCOM.027A | 10/648849 | SYSTEMS AND METHODS FOR REPLACING SIGNAL ARTIFACTS IN A GLUCOSE SENSOR DATA STREAM | 8/22/2003 |
| DEXCOM.8DVC1C1 | 10/657843 | DEVICE AND METHOD FOR DETERMINING ANALYTE LEVELS | 9/9/2003 |
| DEXCOM.028A | 10/695636 | SILICONE COMPOSITION FOR BIOCOMPATIBLE MEMBRANE | 10/28/2003 |
| DEXCOM.006C1 | 10/768889 | MEMBRANE FOR USE WITH IMPLANTABLE DEVICES | 1/29/2004 |
| DEXCOM.037A | 10/789359 | INTEGRATED DELIVERY DEVICE FOR CONTINUOUS GLUCOSE SENSOR | 2/26/2004 |
| DEXCOM.045A | 10/838658 | IMPLANTABLE ANALYTE SENSOR | 5/3/2004 |
| DEXCOM.044A | 10/838909 | IMPLANTABLE ANALYTE SENSOR | 5/3/2004 |
| DEXCOM.043A | 10/838912 | IMPLANTABLE ANALYTE SENSOR | 5/3/2004 |
| DEXCOM.012CP1 | 10/842716 | BIOINTERFACE MEMBRANES INCORPORATING BIOACTIVE AGENTS | 5/10/2004 |
| DEXCOM.8DV1CP | 10/846150 | ANALYTE MEASURING DEVICE | 5/14/2004 |
| DEXCOM.048A | 10/885476 | SYSTEMS AND METHODS FOR MANUFACTURE OF AN ANALYTE-MEASURING DEVICE INCLUDING A MEMBRANE SYSTEM | 7/6/2004 |
| DEXCOM.019A | 10/896637 | ROLLED ELECTRODE ARRAY AND ITS METHOD FOR MANUFACTURE | 7/21/2004 |
| DEXCOM.021A | 10/896639 | OXYGEN ENHANCING MEMBRANE SYSTEMS FOR IMPLANTABLE DEVICES | 7/21/2004 |
| DEXCOM.020A | 10/896772 | INCREASING BIAS FOR OXYGEN PRODUCTION IN AN ELECTRODE SYSTEM | 7/21/2004 |
| DEXCOM.023A | 10/897312 | ELECTRODE SYSTEMS FOR ELECTROCHEMICAL SENSORS | 7/21/2004 |

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| DEXCOM.022A | 10/897377 | ELECTROCHEMICAL SENSORS INCLUDING ELECTRODE SYSTEMS WITH INCREASED OXYGEN GENERATION | 7/21/2004 |
| DEXCOM.030A | 10/991353 | AFFINITY DOMAIN FOR ANALYTE SENSOR | 11/16/2004 |
| DEXCOM.032A | 10/991966 | INTEGRATED RECEIVER FOR CONTINUOUS ANALYTE SENSOR | 11/17/2004 |
| DEXCOM.038A | 11/004561 | CALIBRATION TECHNIQUES FOR A CONTINUOUS ANALYTE SENSOR | 12/3/2004 |
| DEXCOM.031A | 11/007635 | SYSTEMS AND METHODS FOR IMPROVING ELECTROCHEMICAL ANALYTE SENSORS | 12/7/2004 |
| DEXCOM.029A | 11/007920 | SIGNAL PROCESSING FOR CONTINUOUS ANALYTE SENSOR | 12/8/2004 |
| DEXCOM.008DV1C | 11/021046 | DEVICE AND METHOD FOR DETERMINING ANALYTE LEVELS | 12/22/2004 |
| DEXCOM.007C1 | 11/021162 | SENSOR HEAD FOR USE WITH IMPLANTABLE DEVICES | 12/22/2004 |
| DEXCOM.040A | 11/034343 | COMPOSITE MATERIAL FOR IMPLANTABLE DEVICE | 1/11/2005 |
| DEXCOM.039A | 11/034344 | IMPLANTABLE DEVICE WITH IMPROVED RADIO FREQUENCY CAPABILITIES | 1/11/2005 |
| DEXCOM.024C1 | 11/038340 | SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA | 1/18/2005 |
| DEXCOM.8DVCP2C | 11/039269 | DEVICE AND METHOD FOR DETERMINING ANALYTE LEVELS | 1/19/2005 |
| DEXCOM.034A | 11/055779 | BIOINTERFACE MEMBRANE WITH MACRO- AND MICRO-ARCHITECTURE | 2/9/2005 |
| DEXCOM.051A8 | 11/077643 | TRANSCUTANEOUS ANALYTE SENSOR | 3/10/2005 |
| DEXCOM.051A5 | 11/077693 | TRANSCUTANEOUS ANALYTE SENSOR | 3/10/2005 |
| DEXCOM.051A4 | 11/077713 | TRANSCUTANEOUS ANALYTE SENSOR | 3/10/2005 |
| DEXCOM.051A6 | 11/077714 | TRANSCUTANEOUS ANALYTE SENSOR | 3/10/2005 |
| DEXCOM.051A | 11/077715 | TRANSCUTANEOUS ANALYTE SENSOR | 3/10/2005 |
| DEXCOM.051A10 | 11/077739 | TRANSCUTANEOUS ANALYTE SENSOR | 3/10/2005 |

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| DEXCOM.051A11 | 11/077740 | TRANSCUTANEOUS ANALYTE SENSOR | 3/10/2005 |
| DEXCOM.050A | 11/077759 | TRANSCUTANEOUS MEDICAL DEVICE WITH VARIABLE STIFFNESS | 3/10/2005 |
| DEXCOM.051A7 | 11/077763 | METHOD AND SYSTEMS FOR INSERTING A TRANSCUTANEOUS ANALYTE SENSOR | 3/10/2005 |
| DEXCOM.051A12 | 11/077765 | TRANSCUTANEOUS ANALYTE SENSOR | 3/10/2005 |
| DEXCOM.051A1 | 11/077883 | TRANSCUTANEOUS ANALYTE SENSOR | 3/10/2005 |
| DEXCOM.051A9 | 11/078072 | TRANSCUTANEOUS ANALYTE SENSOR | 3/10/2005 |
| DEXCOM.051A2 | 11/078230 | TRANSCUTANEOUS ANALYTE SENSOR | 3/10/2005 |
| DEXCOM.051A3 | 11/078232 | TRANSCUTANEOUS ANALYTE SENSOR | 3/10/2005 |
| DEXCOM.061A1 | 11/157365 | TRANSCUTANEOUS ANALYTE SENSOR | 6/21/2005 |
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| DEXCOM.061A2 | 11/158227 | TRANSCUTANEOUS ANALYTE SENSOR | 6/21/2005 |
| DEXCOM.016C1 | 11/201445 | SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA | 8/10/2005 |
| DEXCOM.010DV2 | 11/280102 | TECHNIQUES TO IMPROVE POLYURETHANE MEMBRANES FOR IMPLANTABLE GLUCOSE SENSORS | 11/16/2005 |
| DEXCOM.010DV1 | 11/280672 | TECHNIQUES TO IMPROVE POLYURETHANE MEMBRANES FOR IMPLANTABLE GLUCOSE SENSORS | 11/16/2005 |
| DEXCOM.063A | 11/333837 | LOW OXYGEN IN VIVO ANALYTE SENSOR | 1/17/2006 |
| DEXCOM.061CP1 | 11/334107 | TRANSCUTANEOUS ANALYTE SENSOR | 1/17/2006 |
| DEXCOM.061CP2 | 11/334876 | TRANSCUTANEOUS ANALYTE SENSOR | 1/18/2006 |
| DEXCOM.058A | 11/335879 | CELLULOSIC-BASED INTERFERENCE DOMAIN FOR AN ANALYTE SENSOR | 1/18/2006 |
| DEXCOM.077A | 11/360250 | ANALYTE SENSOR | 2/22/2006 |
| DEXCOM.061CP3 | 11/360252 | ANALYTE SENSOR | 2/22/2006 |
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| DEXCOM.061CP4 | 11/360819 | ANALYTE SENSOR | 2/22/2006 |
| DEXCOM.053A | 11/373628 | SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA FOR SENSOR CALIBRATION | 3/9/2006 |
| DEXCOM.075A | 11/404417 | SILICONE BASED MEMBRANES FOR USE IN IMPLANTABLE GLUCOSE SENSORS | 4/14/2006 |
| DEXCOM.010CP1 | 11/404418 | SILICONE BASED MEMBRANES FOR USE IN IMPLANTABLE GLUCOSE SENSORS | 4/14/2006 |
| DEXCOM.054A1 | 11/404421 | ANALYTE SENSING BIOINTERFACE | 4/14/2006 |
| DEXCOM.054A | 11/404929 | ANALYTE SENSING BIOINTERFACE | 4/14/2006 |
| DEXCOM.054A2 | 11/404946 | ANALYTE SENSING BIOINTERFACE | 4/14/2006 |
| DEXCOM.021C1 | 11/410392 | OXYGEN ENHANCING MEMBRANE SYSTEMS FOR IMPLANTABLE DEVICES | 4/25/2006 |
| DEXCOM.021DV1 | 11/410555 | OXYGEN ENHANCING MEMBRANE SYSTEMS FOR IMPLANTABLE DEVICES | 4/25/2006 |
| DEXCOM.051CP1C1 | 11/411656 | ANALYTE SENSOR | 4/26/2006 |
| DEXCOM.060A | 11/413238 | CELLULOSIC-BASED RESISTANCE DOMAIN FOR AN ANALYTE SENSOR | 4/28/2006 |
| DEXCOM.060A2 | 11/413242 | CELLULOSIC-BASED RESISTANCE DOMAIN FOR AN ANALYTE SENSOR | 4/28/2006 |
| DEXCOM.060A1 | 11/413356 | CELLULOSIC-BASED RESISTANCE DOMAIN FOR AN ANALYTE SENSOR | 4/28/2006 |
| DEXCOM.051C1 | 11/415593 | TRANSCUTANEOUS ANALYTE SENSOR | 5/2/2006 |
| DEXCOM.011DV3 | 11/415631 | OPTIMIZED SENSOR GEOMETRY FOR AN IMPLANTABLE GLUCOSE SENSOR | 5/2/2006 |
| DEXCOM.051C3 | 11/415999 | TRANSCUTANEOUS ANALYTE SENSOR | 5/2/2006 |
| DEXCOM.011DV1 | 11/416058 | OPTIMIZED SENSOR GEOMETRY FOR AN IMPLANTABLE GLUCOSE SENSOR | 5/2/2006 |
| DEXCOM.011DV2 | 11/416346 | OPTIMIZED SENSOR GEOMETRY FOR AN IMPLANTABLE GLUCOSE SENSOR | 5/2/2006 |
| DEXCOM.051C2 | 11/416375 | TRANSCUTANEOUS ANALYTE SENSOR | 5/2/2006 |

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| DEXCOM.012CP1C1 | 11/416825 | BIOINTERFACE INCORPORATING AGENTS | MEMBRANES BIOACTIVE | 5/3/2006 |
| DEXCOM.051CP4 | 11/439559 | ANALYTE SENSOR | | 5/23/2006 |
| DEXCOM.051CP3 | 11/439630 | ANALYTE SENSOR | | 5/23/2006 |
| DEXCOM.051CP5 | 11/439800 | ANALYTE SENSOR | | 5/23/2006 |
| DEXCOM.61CP3CP1 | 11/445792 | ANALYTE SENSOR | | 6/1/2006 |
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| DEXCOM.088A3 | 11/543404 | ANALYTE SENSOR | | 10/4/2006 |
| DEXCOM.088A2 | 11/543490 | ANALYTE SENSOR | | 10/4/2006 |
| DEXCOM.038CP2 | 11/543539 | DUAL ELECTRODE SYSTEM FOR A CONTINUOUS ANALYTE SENSOR | | 10/4/2006 |
| DEXCOM.038CP3 | 11/543683 | DUAL ELECTRODE SYSTEM FOR A CONTINUOUS ANALYTE SENSOR | | 10/4/2006 |
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| DEXCOM.038CP4 | 11/543734 | DUAL ELECTRODE SYSTEM FOR A CONTINUOUS ANALYTE SENSOR | | 10/4/2006 |
| DEXCOM.8DCP2CC1 | 11/546157 | DEVICE AND METHOD FOR DETERMINING ANALYTE LEVELS | | 10/10/2006 |
| DEXCOM.012DV1 | 11/654135 | POROUS MEMBRANES FOR USE WITH IMPLANTABLE DEVICES | | 1/17/2007 |
| DEXCOM.058CP1 | 11/654140 | MEMBRANES FOR AN ANALYTE SENSOR | | 1/17/2007 |
| DEXCOM.058CP2 | 11/654327 | MEMBRANES FOR AN ANALYTE SENSOR | | 1/17/2007 |
| DEXCOM.021CP1 | 11/675063 | ANALYTE SENSOR | | 2/14/2007 |
| DEXCOM.51CP1CP1 | 11/681145 | ANALYTE SENSOR | | 3/1/2007 |

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| DEXCOM.61CP2CP1 | 11/690752 | TRANSCUTANEOUS ANALYTE SENSOR | 3/23/2007 |
| DEXCOM.088CP3 | 11/691424 | ANALYTE SENSOR | 3/26/2007 |
| DEXCOM.088CP1 | 11/691426 | ANALYTE SENSOR | 3/26/2007 |
| DEXCOM.088CP2 | 11/691432 | ANALYTE SENSOR | 3/26/2007 |
| DEXCOM.088CP4 | 11/691466 | ANALYTE SENSOR | 3/26/2007 |
| DEXCOM.38CP1CP1 | 11/692154 | DUAL ELECTRODE SYSTEM FOR A CONTINUOUS ANALYTE SENSOR | 3/27/2007 |
| DEXCOM.61CP2CP4 | 11/734178 | TRANSCUTANEOUS ANALYTE SENSOR | 4/11/2007 |
| DEXCOM.61CP2CP2 | 11/734184 | TRANSCUTANEOUS ANALYTE SENSOR | 4/11/2007 |
| DEXCOM.61CP2CP3 | 11/734203 | TRANSCUTANEOUS ANALYTE SENSOR | 4/11/2007 |
| DEXCOM.093A | 11/750907 | ANALYTE SENSORS HAVING A SIGNAL-TO-NOISE RATIO SUBSTANTIALLY UNAFFECTED BY NON-CONSTANT NOISE | 5/18/2007 |
| DEXCOM.27CP1CP3 | 11/762638 | SYSTEMS AND METHODS FOR REPLACING SIGNAL DATA ARTIFACTS IN A GLUCOSE SENSOR DATA STREAM | 6/13/2007 |
| DEXCOM.028DV1 | 11/763215 | SILICONE COMPOSITION FOR BIOCOMPATIBLE MEMBRANE | 6/14/2007 |
| DEXCOM.051C4 | 11/797520 | TRANSCUTANEOUS ANALYTE SENSOR | 5/3/2007 |
| DEXCOM.051C5 | 11/797521 | TRANSCUTANEOUS ANALYTE SENSOR | 5/3/2007 |
| DEXCOM.061CP2C2 | 11/842139 | TRANSCUTANEOUS ANALYTE SENSOR | 8/21/2007 |
| DEXCOM.061C1 | 11/842142 | TRANSCUTANEOUS ANALYTE SENSOR | 8/21/2007 |
| DEXCOM.61CP2CPC | 11/842143 | TRANSCUTANEOUS ANALYTE SENSOR | 8/20/2007 |
| DEXCOM.061CP4C1 | 11/842146 | ANALYTE SENSOR | 8/20/2007 |
| DEXCOM.061A1C1 | 11/842148 | TRANSCUTANEOUS ANALYTE SENSOR | 8/21/2007 |
| DEXCOM.61CP3CPC | 11/842149 | TRANSCUTANEOUS ANALYTE SENSOR | 8/21/2007 |
| DEXCOM.077C1 | 11/842151 | ANALYTE SENSOR | 8/21/2007 |
| DEXCOM.061CP2C1 | 11/842154 | TRANSCUTANEOUS ANALYTE SENSOR | 8/21/2007 |

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| DEXCOM.093C1 | 11/842156 | ANALYTE SENSORS HAVING A SIGNAL-TO-NOISE RATIO SUBSTANTILALLY UNAFFECTED BY NON-CONSTANT NOISE | 8/21/2007 |
| DEXCOM.51P3P1C1 | 11/842157 | ANALYTE SENSOR | 8/21/2007 |
| DEXCOM.096A | 11/855101 | TRANSCUTANEOUS ANALYTE SENSOR | 9/13/2007 |
| DEXCOM.38CP1CP2 | 11/865572 | DUAL ELECTRODE SYSTEM FOR A CONTINUOUS ANALYTE SENSOR | 10/1/2007 |
| DEXCOM.025C1 | 11/865660 | SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA | 10/1/2007 |
| DEXCOM.051A7C1 | 11/925603 | TRANSCUTANEOUS ANALYTE SENSOR | 10/26/2007 |
| DEXCOM.8DV1CPD2 | 12/037812 | ANALYTE MEASURING DEVICE | 2/26/2008 |
| DEXCOM.8DV1CPD1 | 12/037830 | ANALYTE MEASURING DEVICE | 2/26/2008 |
| DEXCOM.107A | 12/054953 | ANALYTE SENSOR | 3/25/2008 |
| DEXCOM.88CP1CP2 | 12/055078 | ANALYTE SENSOR | 3/25/2008 |
| DEXCOM.106A | 12/055098 | ANALYTE SENSOR | 3/25/2008 |
| DEXCOM.88CP1CP1 | 12/055114 | ANALYTE SENSOR | 3/25/2008 |
| DEXCOM.88CP1CP3 | 12/055149 | ANALYTE SENSOR | 3/25/2008 |
| DEXCOM.88CP1CP4 | 12/055203 | ANALYTE SENSOR | 3/25/2008 |
| DEXCOM.88CP1CP5 | 12/055227 | ANALYTE SENSOR | 3/25/2008 |
| DEXCOM.024C1D2 | 12/098353 | SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA | 4/4/2008 |
| DEXCOM.024C1D1 | 12/098359 | SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA | 4/4/2008 |
| DEXCOM.024C1D3 | 12/098627 | SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA | 4/7/2008 |
| DEXCOM.051A6C3 | 12/101790 | TRANSCUTANEOUS ANALYTE SENSOR | 4/11/2008 |
| DEXCOM.051A9C1 | 12/101806 | TRANSCUTANEOUS ANALYTE SENSOR | 4/11/2008 |
| DEXCOM.051A6C2 | 12/101810 | TRANSCUTANEOUS ANALYTE SENSOR | 4/11/2008 |
| DEXCOM.016DV1 | 12/102654 | SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA | 4/14/2008 |

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| DEXCOM.016DV2 | 12/102729 | SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA | 4/14/2008 |
| DEXCOM.016DV3 | 12/102745 | SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA | 4/14/2008 |
| DEXCOM.034DV1 | 12/103594 | BIOINTERFACE WITH MACRO- AND MICRO-ARCHITECTURE | 4/15/2008 |
| DEXCOM.050C1 | 12/105227 | TRANSCUTANEOUS MEDICAL DEVICE WITH VARIABLE STIFFNESS | 4/17/2008 |
| DEXCOM.038CP3C1 | 12/111062 | DUAL ELECTRODE SYSTEM FOR A CONTINUOUS ANALYTE SENSOR | 4/28/2008 |
| DEXCOM.063C2 | 12/113508 | LOW OXYGEN IN VIVO ANALYTE SENSOR | 5/1/2008 |
| DEXCOM.063C1 | 12/113724 | LOW OXYGEN IN VIVO ANALYTE SENSOR | 5/1/2008 |
| DEXCOM.094A2 | 12/133738 | INTEGRATED MEDICAMENT DELIVERY DEVICE FOR USE WITH CONTINUOUS ANALYTE SENSOR | 6/5/2008 |
| DEXCOM.094A3 | 12/133761 | INTEGRATED MEDICAMENT DELIVERY DEVICE FOR USE WITH CONTINUOUS ANALYTE SENSOR | 6/5/2008 |
| DEXCOM.094A4 | 12/133786 | INTEGRATED MEDICAMENT DELIVERY DEVICE FOR USE WITH CONTINUOUS ANALYTE SENSOR | 6/5/2008 |
| DEXCOM.037CP1 | 12/133820 | INTEGRATED MEDICAMENT DELIVERY DEVICE FOR USE WITH CONTINUOUS ANALYTE SENSOR | 6/5/2008 |
| DEXCOM.061A2DV1 | 12/137396 | TRANSCUTANEOUS ANALYTE SENSOR | 6/11/2008 |
| DEXCOM.023RE | 12/139305 | ELECTRODE SYSTEMS FOR ELECTROCHEMICAL SENSORS | 6/13/2008 |
| DEXCOM.051A8C1 | 12/175391 | TRANSCUTANEOUS ANALYTE SENSOR | 7/17/2008 |
| DEXCOM.032DV2 | 12/182008 | INTEGRATED RECEIVER FOR CONTINUOUS ANALYTE SENSOR | 7/29/2008 |
| DEXCOM.032DV1 | 12/182073 | INTEGRATED RECEIVER FOR CONTINUOUS ANALYTE SENSOR | 7/29/2008 |
| DEXCOM.032DV3 | 12/182083 | INTEGRATED RECEIVER FOR CONTINUOUS ANALYTE SENSOR | 7/29/2008 |
| DEXCOM.025C1C2 | 12/195191 | SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA | 8/20/2008 |

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| DEXCOM.025C1C1 | 12/195773 | SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA | 8/21/2008 |
| DEXCOM.045DV1 | 12/247137 | IMPLANTABLE ANALYTE SENSOR | 10/7/2008 |
| DEXCOM.051CP3DV | 12/250918 | ANALYTE SENSOR | 10/14/2008 |
| DEXCOM.029DV2 | 12/252952 | SIGNAL PROCESSING FOR CONTINUOUS ANALYTE SENSOR | 10/16/2008 |
| DEXCOM.029DV5 | 12/252967 | SIGNAL PROCESSING FOR CONTINUOUS ANALYTE SENSOR | 10/16/2008 |
| DEXCOM.029DV1 | 12/252996 | SIGNAL PROCESSING FOR CONTINUOUS ANALYTE SENSOR | 10/16/2008 |
| DEXCOM.029DV6 | 12/253064 | SIGNAL PROCESSING FOR CONTINUOUS ANALYTE SENSOR | 10/16/2008 |
| DEXCOM.029DV3 | 12/253120 | SIGNAL PROCESSING FOR CONTINUOUS ANALYTE SENSOR | 10/16/2008 |
| DEXCOM.029DV4 | 12/253125 | SIGNAL PROCESSING FOR CONTINUOUS ANALYTE SENSOR | 10/16/2008 |
| DEXCOM.098A | 12/258235 | SYSTEMS AND METHODS FOR PROCESSING SENSOR DATA | 10/24/2008 |
| DEXCOM.099A2 | 12/258318 | SYSTEMS AND METHODS FOR PROCESSING SENSOR DATA | 10/24/2008 |
| DEXCOM.016CP1 | 12/258320 | SYSTEMS AND METHODS FOR PROCESSING SENSOR DATA | 10/24/2008 |
| DEXCOM.099A1 | 12/258325 | SYSTEMS AND METHODS FOR PROCESSING SENSOR DATA | 10/24/2008 |
| DEXCOM.27CP1CP4 | 12/258335 | SYSTEMS AND METHODS FOR PROCESSING SENSOR DATA | 10/24/2008 |
| DEXCOM.099A | 12/258345 | SYSTEMS AND METHODS FOR PROCESSING SENSOR DATA | 10/24/2008 |
| DEXCOM.007C1DV1 | 12/260017 | SENSOR HEAD FOR USE WITH IMPLANTABLE DEVICES | 10/28/2008 |
| DEXCOM.029C1 | 12/263993 | SIGNAL PROCESSING FOR CONTINUOUS ANALYTE SENSOR | 11/3/2008 |
| DEXCOM.38CPCPDV | 12/264160 | DUAL ELECTRODE SYSTEM FOR A CONTINUOUS ANALYTE SENSOR | 11/3/2008 |
| DEXCOM.043DV1 | 12/264835 | IMPLANTABLE ANALYTE SENSOR | 11/4/2008 |
| DEXCOM.88CPP5P6 | 12/267494 | INTEGRATED DEVICE FOR CONTINUOUS IN VIVO ANALYTE DETECTION AND SIMULTANEOUS CONTROL OF AN INFUSION DEVICE | 11/7/2008 |
| DEXCOM.038CP5 | 12/267518 | ANALYTE SENSOR | 11/7/2008 |
| DEXCOM.88CP1P1P | 12/267525 | ANALYTE SENSOR | 11/7/2008 |
| DEXCOM.88P1P1P2 | 12/267531 | ANALYTE SENSOR | 11/7/2008 |

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| DEXCOM.016CP2 | 12/267542 | ANALYTE SENSOR | 11/7/2008 |
| DEXCOM.88CPP5P4 | 12/267544 | ANALYTE SENSOR | 11/7/2008 |
| DEXCOM.88CPP5P5 | 12/267545 | ANALYTE SENSOR | 11/7/2008 |
| DEXCOM.88CPP5P3 | 12/267546 | ANALYTE SENSOR | 11/7/2008 |
| DEXCOM.88CPP5P2 | 12/267547 | ANALYTE SENSOR | 11/7/2008 |
| DEXCOM.88CPP5P1 | 12/267548 | ANALYTE SENSOR | 11/7/2008 |
| DEXCOM.051A12C1 | 12/273359 | TRANSCUTANEOUS ANALYTE SENSOR | 11/18/2008 |
| DEXCOM.051C6 | 12/329496 | TRANSCUTANEOUS ANALYTE SENSOR | 12/5/2008 |
| DEXCOM.038CP2C1 | 12/335403 | DUAL ELECTRODE SYSTEM FOR A CONTINUOUS ANALYTE SENSOR | 12/15/2008 |
| DEXCOM.027DV1 | 12/353787 | SYSTEMS AND METHODS FOR REPLACING SIGNAL ARTIFACTS IN A GLUCOSE SENSOR DATA STREAM | 1/14/2009 |
| DEXCOM.027DV2 | 12/353799 | SYSTEMS AND METHODS FOR REPLACING SIGNAL ARTIFACTS IN A GLUCOSE SENSOR DATA STREAM | 1/14/2009 |
| DEXCOM.061C2 | 12/353870 | TRANSCUTANEOUS ANALYTE SENSOR | 1/14/2009 |
| DEXCOM.051C7 | 12/359207 | TRANSCUTANEOUS ANALYTE SENSOR | 1/23/2009 |
| DEXCOM.100A | 12/362194 | CONTINUOUS CARDIAC MARKER SENSOR SYSTEM | 1/29/2009 |
| DEXCOM.061CP2C3 | 12/364786 | TRANSCUTANEOUS ANALYTE SENSOR | 2/3/2009 |
| DEXCOM.101A | 12/365683 | CONTINUOUS MEDICAMENT SENSOR SYSTEM FOR IN VIVO USE | 2/4/2009 |
| DEXCOM.102A2 | 12/390205 | SYSTEMS AND METHODS FOR CUSTOMIZING DELIVERY OF SENSOR DATA | 2/20/2009 |
| DEXCOM.102A3 | 12/390290 | SYSTEMS AND METHODS FOR BLOOD GLUCOSE MONITORING AND ALERT DELIVERY | 2/20/2009 |
| DEXCOM.102A1 | 12/390304 | SYSTEMS AND METHODS FOR PROCESSING, TRANSMITTING AND DISPLAYING SENSOR DATA | 2/20/2009 |
| DEXCOM.061DV1 | 12/391148 | TRANSCUTANEOUS ANALYTE SENSOR | 2/23/2009 |
| DEXCOM.051C10 | 12/393887 | TRANSCUTANEOUS ANALYTE SENSOR | 2/26/2009 |
| DEXCOM.104A2 | 12/413166 | POLYMER MEMBRANES FOR CONTINUOUS ANALYTE SENSORS | 3/27/2009 |

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| DEXCOM.104A1 | 12/413231 | POLYMER MEMBRANES FOR CONTINUOUS ANALYTE SENSORS | 3/27/2009 |
| DEXCOM.029DV8 | 12/424391 | SIGNAL PROCESSING FOR CONTINUOUS ANALYTE SENSOR | 4/15/2009 |
| DEXCOM.029DV7 | 12/424403 | SIGNAL PROCESSING FOR CONTINUOUS ANALYTE SENSOR | 4/15/2009 |
| DEXCOM.025RX | 95/001038 | SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA | 4/17/2008 |
| DEXCOM.024RX | 95/001039 | SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA | 4/17/2008 |

Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns that might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: May 5, 2009

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